

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IVAN L. MENDEZ, :
: Plaintiff, :
: v. : Civ. Action No. 06-794-JJF
: PENNSYLVANIA STATE, et al., :
: Defendants. :

ORDER

WHEREAS, Plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

WHEREAS, on April 4, 2007, the Court entered an Order denying leave to proceed in forma pauperis because Plaintiff had three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant Complaint does not allege an imminent threat of physical injury (D.I. 3);

WHEREAS, Plaintiff moved for consideration of the Order, but it was denied on April 16, 2007, and Plaintiff was ordered to pay the \$350 filing fee within thirty (30) days from the date of the order or the case would be dismissed;

WHEREAS, to date, payment has not been received from Plaintiff;

THEREFORE, at Wilmington this 31 day of May, 2007, IT IS

HEREBY ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE.


UNITED STATES DISTRICT JUDGE